THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.20131 of 2006

Date: 1st November, 2006

Between :-

B. Mallikarjun ..

Petitioner

And

The Suryapet Municipality,
Rep. by its Commissioner,
Nalgonda Dstrict ..
Respondent

THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.20131 of 2006

ORDER:-

Heard the Counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the inaction of the respondents in taking action pursuant to the legal notices dated 24-4-2006 and 8-5-2006 issued by the petitioner as being illegal, arbitrary and violative of Article 300-A of the Constitution of India and consequently direct the respondent to initiate Land Acquisition proceedings, by paying compensation to the petitioner and to pass such other suitable orders.

3. It is stated that the writ petitioner filed a prior Writ Petition W.P.No.6131/2006 and the same was disposed of at the admission stage. The relevant portion of the order reads as hereunder:-

> *"The petitioner seeks a similar direction from this Court to direct the respondent to pay compensation of Rs.1,00,000/- to him. The petitioner has not filed any representation before the respondent and there is no material whatsoever in respect of the said allegations that the respondent has encroached into his land, therefore, I am not inclined to entertain this Writ Petition on the said ambiguous allegations made by the petitioner. However, if the respondent attempts to encroach into the land of the*

petitioner, it is open for the petitioner to file a suit as was filed by the other two adjacent plot owners.

For the aforesaid reasons, the Writ Petition is accordingly dismissed."

4. In the light of the said observation made by this Court, this Court is of the considered opinion that no further directions need be passed in the present Writ Petition. Accordingly, the Writ Petition is hereby closed. No order as to costs.

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Justice P.S.Narayana

1st November, 2006

smr